

## REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

By this Amendment, Claims 1, 2, 17-19, and 26-28 are amended, and new Claims 31-33 are added. Claims 1-4, 6, 7, and 16-33 are pending. Claims 1, 17 and 26 are the only independent claims.

The most recent Official Action sets forth a rejection of independent Claims 1, 17 and 26 based on the disclosure in U.S. Patent No. 6,616,689 to Ainsworth et al.

The independent claims in this application define a tubular stent adapted to be inserted into a lumen of a human body. The stent comprises a plurality of annular expanding members, each formed of a wave element, arranged axially with a predetermined distance in between. In addition, a plurality of waved connecting members connect the ridges and bottoms of the waved elements. The annular expanding members are arranged in an axial direction such that there is no substantial phase difference in the waves of the waved elements.

The Official Action includes an annotated version of a portion of the stent illustrated in Ainsworth et al. noting the interpretation upon which the rejection of Claims 1, 17 and 26 is based. The Examiner is kindly thanked for including this illustration to help facilitate an understanding of the interpretation upon which the rejection is based. Taking into account that interpretation, the independent claims are amended to better recite the way in which the waved connecting elements connect adjacent annular expanding members. That is, Claim 1 is amended to set forth that the plurality of waved connecting members connect the ridges of axially adjacent wave elements to one another and connect the bottoms of axially adjacent

wave elements to one another. Claim 17 is amended to recite that the waved connecting members connect each of a plurality of the ridges of the wave element of the first annular expanding member to a respective one of the ridges of the wave element of the second annular expanding member and also connect each of a plurality of the bottoms of the wave element of the first annular expanding member to a respective one of the bottoms of the wave element of the second annular expanding member. Claim 26 is amended to set forth that the waved connecting members connect each of a plurality of the ridges of the wave element of the first annular expanding member to a respective one of the ridges of the wave element of the second annular expanding member and also connect each of a plurality of the bottoms of the wave element of the first annular expanding member to a respective one of the bottoms of the wave element of the second annular expanding member.

The Official Action notes that *Ainsworth et al.* discloses a stent having a plurality of annular expanding members each formed of a waved element, with a plurality of waved connecting members connecting the ridges and/or bottoms of the waved elements of adjacent annular expanding members. However, *Ainsworth et al.* does not disclose waved connecting members connecting both the ridges and bottoms of axially adjacent waved elements (annular expanding members) as now set forth in Claims 1, 17 and 26.

It is respectfully submitted that independent Claims 1, 17 and 26 now define the claimed stent in a manner clearly distinguishing over the stent shown in *Ainsworth et al.* Accordingly, withdrawal of the anticipatory rejection of Claims 1, 17 and 26 is respectfully requested.

The Official Action also relies upon U.S. Patent No. 6,113,627 to *Jang* for its disclosure of dimensions of connecting members. However, as this reference does not make up for the deficiencies pointed out above with respect to the disclosure in *Ainsworth et al.*, one of ordinary skill in the art would have had no reason to combine the disclosures in the two cited references in the manner recited in the independent claims.

The dependent claims are allowable by virtue of their dependence upon allowable independent claims. The dependent claims also define additional distinguishing features associated with the claimed stent. For example, Claims 2, 18 and 27 recite that each of the ridges of each waved element is connected to one of the ridges in the axially adjacent waved element by one of the waved connecting members, and each of the bottoms of each waved element is connected to one of the bottoms in the axially adjacent waved element by one of the waved connecting members. This is not disclosed in *Ainsworth et al.* as only some of the bottoms of the waved elements are connected by the links 54.

Claim 19 and 28 set forth that each of the ridges of the waved element of the first annular expanding member is connected to one of the ridges of the waved element of the second annular expanding member by one of the waved connecting members, and further set forth that each of the bottoms of the waved element of the first annular expanding member is connected to one of the bottoms of the waved element of the second annular expanding member by one of the waved connecting members. Once again, this arrangement of connecting members is not disclosed in *Ainsworth et al.*

New Claim 31 defines that each of the waved elements comprises a plurality of linear segments, with each of the waved connecting members comprising first and second waves positioned in the clearance between adjacent linear segments and a third wave not positioned between the adjacent linear segments. Claims 32 and 33 set forth somewhat similar arrangements. The third wave is positioned between axially adjacent annular expanding members and possesses an amplitude larger than that of the first and second waves. According to the interpretation of *Ainsworth et al.* set forth in the Official Action, there are no waves in the link 54 which possess an amplitude larger than two of the waves positioned between adjacent linear segments of the waved elements.


Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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